

91ST CONGRESS
1ST SESSION

H. R. 4204

IN THE SENATE OF THE UNITED STATES

MAY 29, 1969

Read twice and referred to the Committee on the Judiciary

AN ACT

To amend section 6 of the War Claims Act of 1948 to include prisoners of war captured during the Vietnam conflict, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That section 6 of the War Claims Act of 1948 (50 App.
4 U.S.C. 2005) is amended as follows:

5 (1) by redesignating subsection (f) as subsection
6 (g) ; and

7 (2) by inserting immediately after subsection (c)
8 the following new subsection:

9 “(f) (1) As used in this subsection—

10 “(A) the term ‘Vietnam conflict’ relates to the pe-

1 riod begining February 28, 1961, and ending on such
2 date as shall thereafter be determined by Presidential
3 proclamation or concurrent resolution of the Congress;
4 and

5 “(B) the term ‘prisoner of war’ means any regu-
6 larly appointed, enrolled, enlisted, or inducted member
7 of the Armed Forces of the United States who was held
8 as a prisoner of war for any period of time during the
9 Vietnam conflict by any force hostile to the United
10 States, except any such member who, at any time, volun-
11 tarily, knowingly, and without duress, gave aid to or
12 collaborated with, or in any manner served, such hostile
13 force.

14 “(2) The Commission is authorized to receive and to
15 determine, according to law, the amount and validity, and
16 provide for the payment of any claim filed by any prisoner
17 of war for compensation for the failure of the hostile force
18 by which he was held as a prisoner of war, or its agents, to
19 furnish him the quantity or quality of food prescribed for
20 prisoners of war under the terms of the Geneva Convention
21 of August 12, 1949. The compensation allowed to any
22 prisoner of war under the provisions of this paragraph shall
23 be at the rate of \$1 for each day on which he was held
24 as a prisoner of war and on which such hostile force, or its

1 agents, failed to furnish him such quantity or quality of
2 food.

3 “(3) The Commission is authorized to receive and to
4 determine, according to law, the amount and validity and
5 provide for the payment of any claim filed by any prisoner
6 of war for compensation—

7 “(A) for the failure of the hostile force by which
8 he was held as a prisoner of war, or its agents, to meet
9 the conditions and requirements prescribed under chap-
10 ter VIII, section III, of the Geneva Convention of
11 August 12, 1949, relating to labor of prisoners of
12 war; or

13 “(B) for inhumane treatment by the hostile force
14 by which he was held, or its agents. The term ‘inhumane
15 treatment’ as used in this subparagraph shall include,
16 but not be limited to, failure of such hostile force, or its
17 agents, to meet the conditions and requirements of one
18 or more of the provisions of article 3, 12, 13, 14, 17,
19 19, 22, 23, 24, 25, 27, 29, 43, 44, 45, 46, 47, 48, 84,
20 85, 86, 87, 88, 89, 90, 97, or 98 of the Geneva Con-
21 vention of August 12, 1949.

22 Compensation shall be allowed to any prisoner of war under
23 this paragraph at the rate of \$1.50 per day for each day on
24 which he was held as a prisoner of war and with respect to

1 which he alleges and proves in a manner acceptable to the
2 Commission the failure to meet the conditions and require-
3 ments described in subparagraph (A) of this paragraph
4 or the inhumane treatment described in subparagraph (B)
5 of this paragraph. In no event shall the compensation allowed
6 to any prisoner of war under this paragraph exceed the sum
7 of \$1.50 with respect to any one day.

8 “(4) Any claim allowed by the Commission under this
9 subsection shall be certified to the Secretary of the Treasury
10 for payment out of funds appropriated pursuant to this sub-
11 section and shall be paid by the Secretary of the Treasury
12 to the person entitled thereto, and shall, in the case of death
13 or determination of death of the persons who are entitled,
14 be paid only to or for the benefit of the persons specified, and
15 in the order established, by subsection (d) (4) of this
16 section.

17 “(5) Each claim filed under this subsection must be
18 filed not later than three years from whichever of the fol-
19 lowing dates last occurs:

20 “(A) the date of enactment of this subsection;

21 “(B) the date the prisoner of war by whom the
22 claim is filed returned to the jurisdiction of the Armed
23 Forces of the United States; or

24 “(C) the date upon which the Department of

25 Defense makes a determination that the prisoner of war
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1 has actually died or is presumed to be dead, in the
2 case of any prisoner of war who has not returned to the
3 jurisdiction of the Armed Forces of the United States.
4 The Commission shall complete its determinations with re-
5 spect to each claim filed under this subsection at the earliest
6 practicable date, but in no event later than one year after
7 the date on which such claim was filed.

8 “(6) Any claim allowed under the provisions of this
9 subsection shall be paid from funds appropriated pursuant
10 to paragraph (7) of this subsection.

11 “(7) There are authorized to be appropriated such
12 amounts as may be necessary to carry out the purposes
13 of this subsection, including necessary administrative ex-
14 penses.”

15 SEC. 2. Section 6 (e) of the War Claims Act of 1948
16 (50 App. U.S.C. 2005 (e)) is amended as follows:

17 (1) In paragraph (1), strike out “except any such
18 member” and insert in lieu thereof “or any person (mili-
19 tary or civilian) assigned to duty in the U.S.S. Pueblo
20 who was captured by the military forces of North Korea
21 on January 23, 1968, and thereafter held prisoner by
22 the Government of North Korea for any period of time
23 ending on or before December 23, 1968, except any
24 person”.

1 (2) At the end of paragraph (5), add the following
2 new subparagraph:

3 “(D) In the case of any person assigned to duty
4 in the U.S.S. Pueblo referred to in paragraph (1)
5 of this subsection, one year after the date of enact-
6 ment of this subparagraph.”

7 SEC. 3. Section 5 of the War Claims Act of 1948 (50
8 App. U.S.C. 2004) is amended—

9 (1) by striking out in subsection (e) “subsection
10 (g)” and inserting in lieu thereof “subsections (g) and
11 (i)”; and

12 (2) by adding at the end thereof the following new
13 subsection:

14 “(i) (1) As used in this subsection—

15 “(A) the term ‘Vietnam conflict’ relates to the
16 period beginning on February 28, 1961, and ending on
17 such date as shall thereafter be determined by Presiden-
18 tial proclamation or concurrent resolution of the Con-
19 gress; and

20 “(B) the term ‘civilian American citizen’ means
21 any person who, being then a citizen of the United
22 States, was captured in Southeast Asia during the Viet-
23 nam conflict by any force hostile to the United States,
24 or who went into hiding in Southeast Asia in order to

25 avoid capture or internment by any such hostile force,
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1 except (i) a person who voluntarily, knowingly, and
2 without duress, gave aid to or collaborated with or in
3 any manner served any such hostile force, or (ii) a
4 regularly appointed, enrolled, enlisted, or inducted mem-
5 ber of the Armed Forces of the United States.

6 “(2) The Commission is authorized to receive and to
7 determine, according to law, the amount and validity, and
8 provide for the payment of any claim filed by, or on behalf
9 of, any civilian American citizen for detention benefits for
10 any period of time subsequent to February 27, 1961, during
11 which he was held by any such hostile force as a prisoner,
12 internee, hostage, or in any other capacity, or remained in
13 hiding to avoid capture or internment by any such hostile
14 force.

15 “(3) The detention benefits allowed under paragraph
16 (2) of this subsection shall be at the rate of \$60 for each
17 calendar month.

18 “(4) The detention benefits allowed under paragraph
19 (2) of this subsection shall be allowed to the civilian Ameri-
20 can citizen entitled thereto, or, in the event of his death, only
21 to the following persons:

22 “(A) the widow or husband if there is no child or
23 children of the deceased;

24 “(B) the widow or dependent husband and child
25 or children of the deceased, one-half to the widow or

1 dependent husband and the other half to the child or
2 children in equal shares;

3 “(C) the child or children of the deceased in equal
4 shares if there is no widow or dependent husband.

5 “(5) Any claim allowed by the Commission under this
6 subsection shall be certified to the Secretary of the Treasury
7 for payment out of funds appropriated pursuant to this
8 subsection, and shall be paid to the person entitled thereto,
9 except that if a person entitled to payment under this section
10 is under any legal disability, payment shall be made in
11 accordance with the provisions of subsection (e) of this
12 section.

13 “(6) Each claim filed under this section must be filed
14 not later than three years from whichever of the following
15 dates last occurs:

16 “(A) the date of enactment of this subsection;

17 “(B) the date the civilian American citizen by
18 whom the claim is filed returned to the jurisdiction of
19 the United States; or

20 “(C) the date upon which the Commission, at the
21 request of a potentially eligible survivor, makes a deter-
22 mination that the civilian American citizen has actually
23 died or may be presumed to be dead, in the case of any
24 civilian American citizen who has not returned to the

1 The Commission shall complete its determinations for each
2 claim filed under this subsection at the earliest practicable
3 date, but not later than one year after the date on which such
4 claim was filed.

5 “(7) There are authorized to be appropriated such
6 amounts as may be necessary to carry out the purposes of
7 this subsection, including necessary administrative expenses.”

Passed the House of Representatives May 28, 1969.

Attest: W. PAT JENNINGS,
Clerk.

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